

I hereby certify that this correspondence is being filed via  
EFS-Web with the United States Patent and Trademark Office  
on October 25, 2006

PATENT  
Attorney Docket No.: 023070-067210US  
Client Reference No.: 1996-170-2

TOWNSEND and TOWNSEND and CREW LLP

By: Shirboni Barua Odum

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

K. Diane JOFUKU et al.

Application No.: 08/879,827

Filed: June 20, 1997

For: METHODS FOR IMPROVING  
SEEDS

Customer No.: 20350

Confirmation No.:

Examiner:

Art Unit:

NOTIFICATION OF ERROR IN  
SMALL ENTITY STATUS AND  
PAYMENT OF DEFICIENCY OWED  
UNDER 37 CFR §1.28(c)

October 11, 2006

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The above-identified application filed on June 20, 1997 originally correctly claimed small entity status in good faith. However, it has recently been discovered that such status as a small entity changed on September 1, 2002, when assignee entered into a licensing agreement. Small entity status was continued in good faith when the issue fee was paid, but in error due to inadvertence and without deceptive intent. The following submission and itemization hereby meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicant respectfully requests the total deficiency payment be processed as set out below and that the error be excused.

**ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED**

DATE FILED	TYPE OF FEE	SMALL FEE ACTUALLY PAID	(CURRENT) LARGE FEE APPLIED	DEFICIENCY PAYMENT OWED
11/23/04	Issue fee	\$665.00	\$1400.00	\$735.00

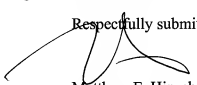
**TOTAL DEFICIENCY OWED: \$735.00**

Applicants hereby authorize the Commissioner to deduct the total fees of \$735.00 from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account. A duplicate of this sheet is enclosed.

Applicant understands that under 37 CFR §1.27(g)(2) and §1.28(d) this submission is treated as a notification of loss of small entity status.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415.576.0200.

Respectfully submitted,

  
Matthew E. Hinsch  
Reg. No. 47,651

**Customer No. 20350**

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, Eighth Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415 576-0300  
MEH:sba